HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2711 OF 2005.

Jayantilal D. Sharma. ...Applicant.

V/s.

The State of Maharashtra. ...Respondent

Shri Nitin Sejpal & Pooja Bhojne, for applicant.

Shri K.V.Saste, APP for respondent.

CORAM: A.M.KHANWILKAR,J
DATE : MAY 4, 2005

P.C. :-

1. Heard counsel for the parties. Perused the record.

2. Prosecution case, in so far as the applicant is concerned is that he is related to one Mukesh Joshi who
deals in the process of counterfeit currency notes or bank notes and using the same as genuine currency in the market. There is evidence to suggest that the applicant was found in possession of one counterfeit note of denomination of Rs.500/- and four counterfeit notes of denomination of Rs.1000/-. The said notes were procured by the applicant from Mukesh Joshi who

happens to be his close relation. So far, 16 accused have been arrested in connection with the alleged offence and recovery of counterfeit currency notes of Rs.73,23,000/- have been made at their instance.

3. Indeed, the notes recovered from the present applicant are only five counterfeit notes of total value of Rs.4,500/-, the fact remains that there is evidence to suggest that the said notes were possessed by the applicant, for being used as genuine, as was done in the past. The fact that so far as the applicant is concerned, he is not directly involved in the process of counterfeit currency notes or bank notes, will make no difference because the applicant is charged with criminal conspiracy. In any case, offence under section 489-B is equally serious and punishable with imprisonment for life. The value of the counterfeit notes recovered from the applicant cannot be the basis to hold that the sentence would be nominal.

4. Having regard to the overall view to be taken of the prosecution case, as the operation is done at the international level, offence being serious offence, not a case for bail. I am informed by the learned APP that

the trial is already slated to proceed on 16th May, 2005, atleast against the arrested accused. Accordingly, rejected.

5. As this application is rejected, the trial Judge is directed to ensure that the trial proceeds expeditiously, to be disposed as High court expedited case. If the trial Judge is of the opinion that the applicant is responsible for delay of the trial, in any manner,whatsoever, that fact be recorded in the roznama, which will be reckoned, as and when occasion arises.